

No.: 4:01-CR-00059-1H

Defendant.

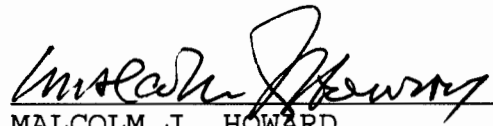
ORDER

This matter is before the court on defendant's motion to reconsider pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, filed October 21, 2013.

Petitioner moves the court for reconsideration of its order, filed October 15, 2013, dismissing defendant's motion for Writ of Error Coram Nobis. Courts have generally recognized three grounds for altering or amending judgments pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. See Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Specifically, courts will alter or amend "an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Id.

This court, having reviewed petitioner's motion as well as the record in this case, finds that petitioner's motion fails to meet the standard of Rule 59(e). Therefore, the motion [DE #125] is DENIED.

This 30th day of October 2013.



MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC
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